

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ELECTRONICALLY FILED

Martin S. Gottesfeld, pro se,
Plaintiff
- against -
Hugh J. Hurwitz, et al.

DOC#:

DATE FILED:

Case No.: 18-cv-10836-PGG

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S.D. OF N.Y.

MOTION FOR EXTENSION OF TIME TO FILE

Plaintiff Martin S. Gottesfeld (herein "Plaintiff"), acting pro se, hereby moves The Honorable Court for an extension of time in which to file his opposition to the defendants' motion to dismiss, filed on May 16th, 2019 (please see D.E. 51). The Honorable Court had previously ordered the plaintiff to file his opposition on June 20th, 2019 (please see D.E. 55).

In support of this motion, plaintiff files Exhibit 1 hereto (6-paragraph Affidavit of Martin S. Gottesfeld dated June 9th, 2019) while also noting his pending EMERGENCY MOTION FOR A TEMPORARY INJUNCTION (please see D.E. 12 dated March 11th, 2019), his pending MOTION FOR A TEMPORARY INJUNCTION (please see D.E. 30 dated March 25th, 2019), his pending SUPPLEMENTAL MOTION FOR TEMPORARY INJUNCTIONS (please see D.E. 43 dated March 31st, 2019), his pending SECOND SUPPLEMENTAL MOTION FOR TEMPORARY INJUNCTIONS (please see D.E. 45 dated April 29th, 2019), and his pending MOTION FOR DECLARATORY JUDGMENT (please see D.E. 50 dated April 29th, 2019). The plaintiff further notes the developing events in the case of 18-cv-02328 in The Honorable District of Colorado as relevant to the instant motion.

Further, the plaintiff notes that the defendants took a significant period of time in which to respond to the complaint, all while represented by counsel, which in turn has access to word processing software, unlike the plaintiff. Then, the defendants unexpectedly filed dozens of unreported decisions. As such, the process of distinguishing the instant case from those provided by the defendants as unreported is slow and manual, since published, well-accepted, and binding precedential decisions will not bear citation to the plethora of unreported decisions provided by the defendants.

The plaintiff wishes to state explicitly that he believes the defendants' motion to dismiss is meritless and he does look forward to filing his response.

Given the difficulties and delays enumerated in the materials referenced above (and herein incorporated by reference), the plaintiff now believes that he will be able to file a comprehensive opposition to the defendants' motion to dismiss on or before August 31st, 2019. The plaintiff hereby moves The Honorable Court to grant him an extension until that time in order to file his opposition.

Respectfully mailed bearing USPS tracking number 9114 9014 9645 1828 1183 05 (and filed pursuant to Houston v. Lack, 487 U.S. 266 (1988)) on Monday, June 10th, 2019,



Martin S. Gottesfeld, pro se
Reg. No.: 12982-104
Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

CERTIFICATE OF SERVICE

I, Martin S. Gottesfeld, pro se, do hereby certify that on Monday, June 10th, 2019, I mailed a copy of the foregoing document to counsel for the defendants by handing such copy to the FCI Terre Haute CMU unit team, i.e. Ms. Eisele, Ms. Wheeler, and/or Ms. Thomas, for placement in the mail. See Houston v. Lack, 487 U.S. 266 (1988).



Martin S. Gottesfeld, pro se

Affidavit of Martin S. Gottesfeld:

I, Martin S. Gottesfeld, do hereby affirm that the following is true and accurate to the best of my knowledge, information, and belief on this 9th day of June, 2019, and I do so declare the following pursuant to 28 U.S.C. § 1746 (see LeBoeuf, Lamb, Greene & MacRae, L.L.P. v. Worsham, 185 F.3d 61, 65-66 (2d Cir. 1999)):

1. My name is Martin S. Gottesfeld and I am an inmate in the communications management unit (CMU) of the Federal Correctional Institution (FCI) Terre Haute, Indiana.

2. My federal registration number is 12982-104.

3. My ability to litigate case number 18-cv-10836-PGG in The Honorable U.S. District Court for The Southern District of New York has been, and continues to be, hampered and impaired by entities under the control of the defendants in that case.

4. The entities under control of the defendants who are hampering and impairing my ability to litigate case number 18-cv-10836-PGG in The Honorable U.S. District Court for The Southern District of New York, are, among other actions, currently retaliating against me for lawful assistance I attempted to provide to another unrepresented inmate who needed to fill out legal documents properly in order to effectuate service of process on defendants in his case.

5. The entities under control of the defendants who are hampering and impairing my ability to litigate case number 18-cv-10836-PGG in The Honorable U.S. District Court for The Southern District of New York, are, among other actions, creating an environment wherein I cannot send and receive necessary correspondence to litigate without fear of unlawful and extrajudicial reprisal.

6. The difficulties described above, through no control of my own, are creating unnecessary delay, causing it to take much longer than it would otherwise for me to respond to the defendants' motion to dismiss, and will, inevitably, affect for the worse the quality of my filing in opposition.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on Sunday, June 9th, 2019.



Martin S. Gottesfeld

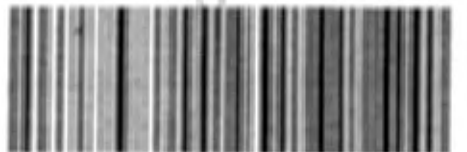


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June 10th, 2019, Houston v. Jack, 437 U.S. 260 (1998)

CO-12982-104-CO
U S District Court
Pro Se Clerk
500 Pearl St
NEW YORK, NY 10007
United States

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